IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2700 OF 2007

Jagjit Singh Hundal ....Petitioner
V/s.
The State of Maharashtra & Ors. ....Respondents

Mr.Prakash Shah for the Petitioner.

Mr.A.H.Palekar, AGP for Respondent Nos.1 and 2.

Mr.P. S. Dani i/b M/s.Desai & Diwanji for Respondent Nos.3 and 4.

CORAM : F.I. REBELLO &
R.M. SAVANT, JJ.
DATED : 27TH APRIL, 2007.

P.C. :

1. The Petitioner herein makes a claim in respect of a scheme which was sanctioned in the year 1989. The learned counsel for the Petitioner relies on the judgment of the Supreme Court in *M/s.Shanti Star Builders and others vs. Narayan Khimalal Totame and others* and more specifically paragraph 22 of the said judgment.

2. On the other hand the learned counsel for the Respondents drew our attention to what has been set out in the opening paragraph of the said judgment. Apart from that the Petitioner himself at Exhibit "G"

has annexed the decision of the Monitoring Committee dated 31.8.2005. The Monitoring Committee has come to the conclusion that the Government Resolution dated 16.1.1996 is prospective. The Monitoring Committee also relied on the judgment of this Court in Writ Petition No.2629 of 1992 delivered on 3.12.1992 in the matter of Karmashi Kanji Chandan v/s. State of Maharashtra, where the observations of the Court has been reproduced in the decision of the Committee. From the said judgment, as reproduced by the Committee, this Court has held that the said G.R. is prospective. The State of Maharashtra has also filed an affidavit before this Court through Bhausaheb Joti Patil, Additional Collector and the Competent Authority, Thane Urban Agglomeration, Thane. In paragraph 7, it is set out that the scheme was sanctioned on 4.11.1989 i.e. prior to issuance of the Government Resolution dated 16.1.1996 and as such the guidelines of the Government Resolution dated 16.1.1996 are not applicable in the instant case.

3. Considering the above, no interference is called for. The Writ Petition is rejected.

(R.M. SAVANT, J.) (F.I. REBELLO, J.)